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★ JUN 23 2005 ★

LONG ISLAND OFFICE

RPD:WLB
F. #2003R01236

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

EDGAR MARQUEZ-LARIOS,
also known as "Rapero,"
JUAN REYES,
also known as "Doofy"
and "John Henry,"
JESUS A. MAGANA,
also known as "Chusiado,"
LEDWIN CASTRO,
also known as "Hueso,"
DAVID VASQUEZ,
also known as "Gigante," and
NIEVES OMAR ARGUETA,
also known as "Scorpion,"

Cr. No. 03-851 (S-3) (LDW)
(T. 18, U.S.C., §§ 844(h)(1),
924(c)(1)(A)(i),
924(c)(1)(A)(iii),
1959(a)(3), 1959(a)(5),
1959(a)(6), 2 and
3551 et seq.)

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Superseding Indictment,
unless otherwise indicated:

1. La Mara Salvatrucha, also known as the MS-13 (the
"MS-13"), was a gang comprised primarily of immigrants from El
Salvador, with members located throughout Long Island and
elsewhere. The defendants EDGAR MARQUEZ-LARIOS, also known as
"Rapero," JUAN REYES, also known as "Doofy" and "John Henry," JESUS
A. MAGANA, also known as "Chusiado," LEDWIN CASTRO, also known as

"Hueso," DAVID VASQUEZ, also known as "Gigante," and NIEVES OMAR ARGUETA, also known as "Scorpion," were members of the MS-13. The Salvadorans With Pride (the "SWP") and the Bloods were rival street gangs, with members located throughout Long Island.

2. Members of the MS-13 sometimes signified their membership with tattoos reading, among other things, "13" and "MARA SALVATRUCHA," frequently written in gothic lettering. Members of the MS-13 engaged in criminal activity, such as murder, assault and narcotics trafficking. Participation in criminal activity by a member, especially violence directed at rival gangs, increased the respect accorded to that member and could result in a promotion to a leadership position. Members of the MS-13 purchased, maintained and circulated a collection of firearms for use in criminal activity.

THE RACKETEERING ENTERPRISE

3. The MS-13, including its leadership, membership and associates, constituted an "enterprise" as defined in Section 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

4. The MS-13, through its members and associates,

engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, in violation of the laws of the State of New York, and narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

COUNT ONE

(Conspiracy to Commit Assaults with Dangerous Weapons)

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. On or about and between August 18, 2000 and June 18, 2003, both dates being approximate and inclusive, within the Eastern District of New York, the defendants EDGAR MARQUEZ-LARIOS, also known as "Rapero," JUAN REYES, also known as "Doofy" and "John Henry," JESUS A. MAGANA, also known as "Chusiado," LEDWIN CASTRO, also known as "Hueso," DAVID VASQUEZ, also known as "Gigante," and NIEVES OMAR ARGUETA, also known as "Scorpion," together with others, for the purpose of maintaining and increasing their positions in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally conspire to assault members and associates of rival gangs, including the SWP and the Bloods, and others with dangerous weapons, to wit: firearms

and a baseball bat, in violation of New York Penal Law Section 120.05(2).

(Title 18, United States Code, Sections 1959(a)(6) and 3551 et seq.)

COUNT TWO

(Assault with a Dangerous Weapon:
The Ambis III Lounge Beating)

7. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

8. On or about January 23, 2003, within the Eastern District of New York, the defendant JUAN REYES, also known as "John Henry" and "Doofy," together with others, for the purpose of maintaining and increasing his position in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally assault John Doe #1, an individual whose identity is known to the Grand Jury, with a dangerous weapon, to wit: a baseball bat, in violation of New York Penal Law Section 120.05(2).

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNT THREE

(Assault Resulting in Serious Bodily Injury:
The Ambis III Lounge Beating)

9. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

10. On or about January 23, 2003, within the Eastern District of New York, the defendant JUAN REYES, also known as "John Henry" and "Doofy," together with others, for the purpose of maintaining and increasing his position in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally assault John Doe #1, which assault resulted in serious bodily injury, in violation of New York Penal Law Section 120.10(1).

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNT FOUR

(Attempted Murder of SWP Member in Hempstead)

11. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

12. On or about February 14, 2003, within the Eastern District of New York, the defendant JESUS A. MAGANA, also known as "Chusiado," together with others, for the purpose of maintaining and increasing his position in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally attempt to murder an SWP member, in violation of New York Penal Law Sections 110.00 and 125.25(1).

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT FIVE

(Assault with a Dangerous Weapon:
Shooting of SWP Member in Hempstead)

13. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

14. On or about February 14, 2003, within the Eastern District of New York, the defendant JESUS A. MAGANA, also known as "Chusiado," together with others, for the purpose of maintaining and increasing his position in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally assault an SWP member with a dangerous weapon, to wit: a .25 caliber Beretta semiautomatic pistol, in violation of New York Penal Law Section 120.05(2).

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNTS SIX THROUGH EIGHT

(Assault with a Dangerous Weapon:
White Van Shootings)

15. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

16. On or about June 18, 2003, within the Eastern District of New York, the defendants LEDWIN CASTRO, also known as "Hueso," DAVID VASQUEZ, also known as "Gigante," and NIEVES OMAR ARGUETA, also known as "Scorpion," together with others, for the

purpose of maintaining and increasing their positions in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally assault the below-listed individuals, whose identities are known to the Grand Jury, with a dangerous weapon, to wit: a Jennings Bryco .380 caliber semi-automatic pistol, in violation of New York Penal Law Section 120.05(2):

| COUNT | VICTIM |
|-------|--|
| 6 | John Doe #2 (Believed by the defendants to be an SWP member) |
| 7 | John Doe #3 (Believed by the defendants to be an SWP member) |
| 8 | John Doe #4 (Believed by the defendants to be a Bloods member) |

(Title 18, United States Code, Sections 1959(a)(3), 2 and 3551 et seq.)

COUNT NINE

(Carrying a Firearm During a Crime of Violence)

17. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

18. On or about August 18, 2000, within the Eastern District of New York, the defendant EDGAR MARQUEZ-LARIOS, also known as "Rapero," together with others, did knowingly and intentionally possess a firearm, to wit: a Smith & Wesson, Model Number 36, .38 Special caliber revolver, in furtherance of a crime of violence, to wit: the crime charged in Count One, and did

knowingly and intentionally carry said firearm during and in relation to that crime of violence.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 2 and 3551 et seq.)

COUNTS TEN THROUGH FOURTEEN
(Discharge of Firearms During Crimes of Violence)

19. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

20. On or about the dates set forth below, within the Eastern District of New York, the defendants JESUS A. MAGANA, also known as "Chusiado," LEDWIN CASTRO, also known as "Hueso," DAVID VASQUEZ, also known as "Gigante," and NIEVES OMAR ARGUETA, also known as "Scorpion," together with others, did knowingly and intentionally use and carry the firearms set forth below during and in relation to the crimes of violence set forth below, and did knowingly and intentionally possess those firearms in furtherance of the crimes of violence, which firearms were discharged:

| COUNT | DATE | DEFENDANTS | CRIME OF VIOLENCE | FIREARM |
|-------|-------------------|-----------------|-------------------|---|
| 10 | February 14, 2003 | JESUS A. MAGANA | Count 4 | .25 Caliber Beretta Semi-automatic Pistol |
| 11 | February 14, 2003 | JESUS A. MAGANA | Count 5 | .25 Caliber Beretta Semi-automatic Pistol |

| COUNT | DATE | DEFENDANTS | CRIME OF VIOLENCE | FIREARM |
|-------|---------------|--|-------------------|---|
| 12 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 6 | Jennings Bryco .380 Caliber Semi-automatic Pistol |
| 13 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 7 | Jennings Bryco .380 Caliber Semi-automatic Pistol |
| 14 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 8 | Jennings Bryco .380 Caliber Semi-automatic Pistol |

(Title 18, United States Code, Sections
924(c) (1) (A) (iii), 2 and 3551 et seq.)

COUNTS FIFTEEN THROUGH NINETEEN
(Using Explosives to Commit Felonies)

21. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

22. On or about the dates set forth below, within the Eastern District of New York, the defendants JESUS A. MAGANA, also known as "Chusiado," LEDWIN CASTRO, also known as "Hueso," DAVID VASQUEZ, also known as "Gigante, and NIEVES OMAR ARGUETA, also known as "Scorpion," together with others, did knowingly and intentionally use the explosives set forth below to commit the felonies charged in the counts set forth below, which felonies may

be prosecuted in a court of the United States:

| COUNT | DATE | DEFENDANTS | FEDERAL FELONY | EXPLOSIVE |
|-------|-------------------|---|----------------|-----------------------|
| 15 | February 14, 2003 | JESUS A. MAGANA | Count 4 | Small Arms Ammunition |
| 16 | February 14, 2003 | JESUS A. MAGANA | Count 5 | Small Arms Ammunition |
| 17 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 6 | Small Arms Ammunition |
| 18 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 7 | Small Arms Ammunition |
| 19 | June 18, 2003 | LEDWIN CASTRO, DAVID VASQUEZ and NIEVES OMAR ARGUETA | Count 8 | Small Arms Ammunition |

(Title 18, United States Code, Sections 844(h)(1), 2 and 3551 et seq.)

A TRUE BILL

Stephanie K Von Hegel
FOREPERSON

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: *[Signature]*

ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

No. 03-CR-851 (S-3) (LDW)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

EDGAR MARQUEZ-LARIOS, JUAN REYES,
JESUS A. MAGANA, LEDWIN CASTRO,
DAVID VASQUEZ, AND NIEVES OMAR ARGUETA,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 844(b)(1), 924(c)(1)(A)(i), 924(c)(1)(A)(iii), 1959(a)(3),
1959(a)(5), 1959(a)(6), 2 and 3551 et seq.)

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____

RICHARD P. DONOGHUE, AUSA, (631) 715-7874